ELECTRONICALLY FILED
October 19, 2016
U.S. DISTRICT COURT
Northern District of WV

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KATHRYN EAKIN,

Plaintiff,

vs. Civil Action No. 2:16-cv-86 Bailey

PORTFOLIO RECOVERY
ASSOCIATES, LLC.,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Portfolio Recovery Associates, LLC. ("PRA"), by their undersigned counsel, hereby removes to this Court the state court action described herein based on diversity of citizenship of the parties and the amount in controversy.

1. On or about September 13, 2016, Plaintiff filed an action in the Circuit court of Randolph County, West Virginia, entitled *Kathryn Eakin v. Portfolio Recovery Associates, LLC.*, Civil Action 16-C-114. Plaintiff effected service of the Complaint with the Summons upon PRA on September 20, 2016, via the West Virginia Secretary of State's office. True and correct copies of the Secretary of State's Notice of Service, the Summons and Complaint, State Court Docket Sheet and the Civil Case Information Statement is attached hereto as Exhibit A. No other process, pleadings or orders have been served on PRA in this action.

2. Plaintiff's service of the Complaint on September 20, 2016 marked the commencement of the thirty day removal period specified in 28 U.S.C. §1446(b). Removal is timely.

3. The Complaint alleges, *inter alia*, that PRA violated four section of the West Virginia Consumer Credit Protection Act on 185 occasions, the tort of outrage, and invasion of privacy.

4. The Plaintiff is a citizen of West Virginia.

5. Defendant PRA is a Delaware Limited Liability company and for purposes of diversity jurisdiction its citizenship is that of its member, which is a Delaware corporation with its principal place of business in Virginia, such that it is a citizen of Delaware and Virginia.

6. Based on the allegations in Plaintiff's Complaint, including without limitation Plaintiff's demand for actual damages at common law and pursuant to West Virginia *Code* §46A-5-101(1), statutory damages, punitive damages and Plaintiff's attorneys fees and costs, the amount in controversy is in excess of the jurisdictional minimum under 28 U.S.C. §1332(a). Accordingly, because this Court would have had original jurisdiction over the action under 28 U.S.C. §1332, removal is proper under 28 U.S.C. §1441, as well as timely.

WHEREFORE, Portfolio Recovery Associates, LLC hereby removes the action described above and requests that it proceed in this Court.

Dated: October 19, 2016.

PORTFOLIO RECOVERY
ASSOCIATES, LLC
By Counsel

s/ Stephen L. Thompson
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